

court. A few minutes later the jury sent for the skeleton used to indicate the course of the bullet and the diagrams showing the dimensions of the cab and the street where the cab was when the shot was fired. At this time the rumor was that the jurors were experimenting with the pistol and that they stood six feet apart, and for manslaughter in the first degree, and one outed.

OUT TO DINNER, STILL DISAGREEING.

The jury went out to dinner at 8:30 o'clock, and Recorder Goff gave them permission to stay until 10 P. M. They went to Haan's again. Recorder Goff went away in an automobile to visit friends, telling the court attendants that a telephone message would reach him if he was needed. At this time the report was that the jury stood 7 to 5 for conviction of manslaughter in the first conviction of manslaughter in the first degree, the extreme punishment for that crime, which is twenty years in prison. There was still a great crowd in and about the building when the jury were told they could go to dinner and the police started to clear the way. As the people were driven out one door others came in by another. The jury finally got out of the building, but hadn't gone half a block before they were surrounded by a crowd of about 200 persons trailing after them.

When they started back from dinner, at 9:45 P. M., trailed again by several hundred persons a rival attraction was furnished by the fire apparatus on the way to a downtown fire. There was plenty of excitement and the crowd followed the engine on their way back smoking cigars and some of them were shouting and cheering. The crowd followed the engine on their way back smoking cigars and some of them were shouting and cheering. The crowd followed the engine on their way back smoking cigars and some of them were shouting and cheering.

POLICE HAD TO CLOSE A STREET TO THE CROWD.

All day a mob struggled and fought around the building, driven here and there by the police.

At 6 o'clock, when shop girls and other workers were on their way home, the crowd became so great opposite the Bridge of Sighs that the police lined off Franklin street between Center and West streets, and let no one through. Inspector Schmittberger finally took charge of the police and with the reserve of the Leonard street station tried to drive the crowd off, but the same time all those who had lingered in the Criminal Courts Building were shoved away, and only reporters, counsel for Nan Patterson, Minnie Davis and Garvan and a few strangers were left.

CHARGE PLEASURES BOTH SIDES.

Recorder Goff's charge was considered fair by both sides. After the formal charge he considered some seventy-five propositions which the counsel for the prisoner wished to have submitted to the jury. Most of these the Recorder charged, but about twenty he refused to submit, either because in substance he had referred to them previously or because he said they were irrelevant. Of these about six referred to the purchase of the pistol. It was not to be assumed that the police had been in the room with Young was killed. Assistant District Attorney Rand said he considered that this was a question for the jury to decide, and the Recorder, agreeing with him, refused to charge the jury as requested.

At the outset of his charge the Recorder said that there was nothing in the death of Young, a race-track gambler, to excite passion or prejudice in the jury. He said he had been told by some of the counsel that should withdraw attention from the only issue, whether or not Young had been killed by Nan Patterson, who had no place for passion, and the issue or mauling curiosity should not affect their verdict in the least. Neither should they consider the theories advanced by counsel on either side; all they had to consider were the facts as presented in the testimony.

MANSLAUGHTER NOT ELIMINATED.

The proposition that their verdict must be either murder in the first degree or manslaughter, as advanced by Mr. Levy, was not to be considered by the jury. He said that murder in the first and second degrees, and the two degrees of manslaughter. As Mr. Levy had admitted that Young was killed by a racial, he had no objection to the second degree of manslaughter could be eliminated, but the jury could convict of one of the others, or could acquit. Continuing on the Recorder said:

"This case rests upon what is called circumstantial evidence. Circumstantial evidence is open to the jury to accept or not, and if the facts brought out can be taken together and all point to one conclusion, circumstantial evidence may be as satisfactory as direct evidence.

NO MATTER HOW YOUNG WAS KILLED IF PRISONER DID NOT KILL HIM.

"In this case Caesar Young died on the 4th of June. There is no dispute here that his death was caused by a pistol shot, so that the crucial question is: Did the defendant kill him? If she did not you are not called upon to determine whether Young committed suicide or whether he died by accident. You are here to determine whether this defendant killed him. Did she fire the shot that killed him? If she did not you need not determine how he was killed. If you attempt to arrive at any other conclusion than the one you are charged with, you are in error. You are yourselves in a maze of speculation.

"The motives urged for the crime are anger because cast off as mistress or chagrined in disappointment at not being married. I charge you that it is not necessary that motive should be proved. If you find that the crime was committed, in determining the value of circumstantial evidence the question of motive becomes one of great importance, and in this case if there was a motive what was it?

"Was it revenge or anger or love? And if the defendant was actuated by any of these motives and committed murder, you may take into consideration anything that tends to show she was actuated by a motive. If there is a reasonable doubt as to whether you come to the effect of any evidence you must decide on that point in favor of the defendant. She is presumed to be innocent until she is proved to be guilty."

POINT CONSIDERED TO BE IN FAVOR OF THE PRISONER.

A point considered to be in favor of the prisoner in the Recorder's charge was his statement that there was nothing in the evidence to show that the prisoner had expected to meet Young and take a cab ride with him. Young was not in the cab. Young sent for her. One prime point the jury had to consider was who bought the pistol, through whose agency it was bought and who took it into the cab.

CLEANED OUT FIRST DAY HERE.

Britisher Lands From Oceanic and Promptly Leaves All.

Edward Faxton, an Englishman, who arrived on the Oceanic yesterday and went to the Hotel Imperial, told the Tenderloin police last night that he had been robbed by a blond haired young woman on the street near the Holland Hotel, of \$1,000 in English money, and a ticket to San Francisco, a steamer ticket from there to New Zealand and his ticket from there back to England.

Brownsville Water Crackers

It makes no difference what kind of cheese you like best.

go with any kind of cheese. They are not too hard, and they never get too hard. They are crisp and stay crisp. If you could see them being baked in the old fashioned brick oven, you would say they taste as good as they look. For sale by

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FINE GAMBLING HOUSE RAIDED.

Cops Had Tip on Preparation for Wealthy Patrons—Negro and Implements Hugged.

Inspector Walsh, Capt. Laney of the East Fifty-first street station and six detectives raided a gambling house on West Forty-fifth street near Fifth avenue about midnight last night. They took one prisoner, a colored man, who gave his name as John Henry, and said he came from Baltimore. The police had a tip, they say, that something was doing at the place. When they walked up and demanded admittance, the housekeeper, who was a negro, let them in. There was no one else in the house. The place was expensively furnished. It was not until the police searched the cellar that they were sure they were at the right place. There they found concealed gambling stuff, which Inspector Walsh estimated to be worth \$3,000. There was one roulette wheel which the inspector said was worth \$1,200, two roulette tables, a faro layout, 4,000 chips and other apparatus. The police bundled the stuff into a patrol wagon and took it to the station house along with Henry. He was locked up, charged with running a gambling house. He said that he didn't know who owned the place and that he had been hired as a waiter.

The police believe the house was fitted up recently for wealthy patrons. Frank Farrell, the police say, owned the house two years ago, but sold it. It has changed hands several times since then.

Henry was bailed out at 1 o'clock this morning by Samuel Emery, who described himself as a speculator, living at Euclid Hall, Eighty-fifth street and Broadway. He gave as security a check on the National City Bank, New York, for \$150,000. Magistrate Steiner accepted bail.

TOOK TEN IN POOLROOM RAID.

Found in Room With Telephone When Door Was Smashed In.

Acting Inspector Hogan and detectives of his staff, with several detectives from the Church street station, raided an alleged poolroom over the saloon kept by William J. Powers at 63 Dey street yesterday afternoon and arrested ten men. Evidence had been collected by the inspector's detectives, and a warrant was issued by Justice Wyatt of Special Sessions for Powers and three other men.

When the police arrived they demanded admittance to a room over the saloon. When the door was not opened they smashed it down with an ax. They found the men named in the warrant. The six other men were arrested on charges of aiding and abetting a poolroom. Several telephones and racing sheets were taken to the Church street station.

CALL FOR DR. TUPPER.

Madison Ave. Baptist Church Wants Philadelphia Pastor—Big Plans.

The Rev. Dr. Kerr Boyce Tupper, now pastor of the First Baptist Church of Philadelphia, received a unanimous call last night to become pastor of the Madison Avenue Baptist Church to succeed the late Rev. Dr. George C. Lorimer who died last year. With the call goes, it is said, an offer of a salary of \$10,000 a year and promises of support for considerable institutional work.

While the officers of the Madison Avenue Church have no positive assurance that Dr. Tupper will leave Philadelphia, they are inclined to believe he will accept. His church in Philadelphia is one of the foremost in the Baptist body and he is one of the best known of the Baptist clergy. He is 50 years of age, and of Southern birth. The Madison Avenue congregation purposes to carry out, in part at least, the plan for institutional work projected by Dr. Lorimer. He aimed to have on the site of the present buildings at Madison Avenue and Thirty-first street a great structure that should be a Baptist headquarters. It is unlikely that the church building will be altered, but a plan to tear down the present chapel building, and erect on the site a modern parish house to cost \$75,000, is being considered.

THE BRIDGE IS ALL RIGHT.

Some One Saw Routine Repairs Going On and Started a Foul Play Scare.

Commissioner Best of the Bridge Department and Chief Engineer Nichols made a hurried investigation of the Brooklyn Bridge at 8 o'clock yesterday afternoon. Somebody walking over the bridge had seen workmen doing something to the cables and had hurried to a newspaper office with a tale that a suspension had "buckled." The newspaper called the Commissioner and he got the chief engineer.

They found that the bridge was all right and that the alarmist had made the mistake of calling a cable a "suspender." The suspenders are braces running from the cables to the bridge roadway. They can't buckle. What the man had seen was the regular cable gang of the bridge at work winding one of the big cables that run over the towers with wire. This is done in different places many times during a year, but people as a rule don't pay any attention to it.

Just now, they are getting ready to paint the big bridge and the cable gang always fixes up the cables preparatory to the work of the painters. The wire is the outside cover of the cables proper and is merely a protection.

Engineer McLean, whose special charge is the Brooklyn Bridge, heard of the report that the bridge was in danger and when he found out the facts he went home.

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SOZODONT Tooth Powder

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MRS. GELSHENEN COMES BACK.

WILL BE SUBPENAED AT ONCE IN MORSE-DODGE CASE.

Her Son Says That She Will Remain in the Jurisdiction and That She Has Simply Carried Out Her Plans Without Reference to the District Attorney.

Mrs. William H. Gelshenen, whom District Attorney Jerome invited in a letter published just before she sailed from New Jersey for Europe early in January last to come into this jurisdiction and tell him what she knew about the Morse-Dodge marriage and divorce tangle, returned yesterday on the Kaiser Wilhelm der Grosse.

It was said at the District Attorney's office yesterday that if Mrs. Gelshenen was in this jurisdiction she would be subpoenaed at once and probably today. After landing yesterday she and her party went to the Netherlands, where she will probably be found to-day. Her son, Walter Gelshenen, who accompanied his mother, said that she wasn't going to try to escape from anybody and would remain in this city for some time. He said:

"My mother has returned because she has finished the trip to Europe which she had planned, and for no other reason. Her return was not hastened by Mr. Jerome or any one else. She has nothing to say in regard to the Dodge-Morse case."

It is understood that Mrs. Gelshenen is staying at the Netherlands only while her Fifth avenue residence is being prepared for her. After Mrs. Gelshenen went to Europe the Grand Jury found indictments against Lawyer Abe Hummel and others for conspiracy in the Dodge-Morse case. Previous to sailing she had spent several days in the Continental Hotel in Newark. When she arrived at Cherbourg on Jan. 9 she said to a New York reporter there:

"I am in no way implicated in the Dodge-Morse tangle. The assertion that I furnished Dodge with money to fight extradition from Texas is absolutely untrue and ridiculous. I do not know Dodge by sight. My trip abroad was arranged months ago and the revelations in the Dodge case did not cause it."

"My relations with Mr. Morse are purely those of a business friend and partner. How could I desire to marry Mr. Morse when he has a wife already? The charge is too absurd. I do not wish to marry Mr. Morse or anybody else. The report that I endeavored to aid in the annulment of the Morse marriage in order to marry Mr. Morse is a black lie. I had no hand in the matter."

Mrs. Gelshenen said then that she was going to spend the winter in Cairo, but that if she was wanted here she would cancel her plans and return to New York.

TORNADOES SWEEP NEBRASKA.

Four Killed in Omaha—Reports of Damage From All Over State.

OMAHA, Neb., May 3.—Reports of damage from tornadoes are reaching Omaha tonight from widely different points in the State. The Government weather station has issued a warning that conditions are ripe for tornadoes and has predicted that disturbances of that kind will take place throughout Nebraska. Similar conditions are reported for Thursday.

Omaha itself was struck by a cloudburst and whirlwind at 4:30 o'clock this afternoon, and four persons were killed and eleven injured, five seriously. The large four story brick building of the Omaha Casket Company was completely wrecked, and the four men killed were among the workmen there, as were most of the injured.

In the Union Pacific freight yards nine loaded cars were blown from the track and wrecked. The roundhouse of the Omaha Railroad was partially wrecked and two locomotives damaged.

From Spalding, Neb., comes the report that a tornado passed north of that town, destroying several houses. James Davis's house was wrecked and two members of the family injured.

Minden, Neb., reports five houses partially destroyed and three freight cars wrecked. Minden is 150 miles from Spalding. Laurel, Neb., reports five houses damaged.

ALL STATE LONG DISTANCE LINES OF THE NEBRASKA TELEPHONE COMPANY ARE DOWN, AND DETAILS ARE HARD TO SECURE.

MCCORMICK PLEASURES FRANCE.

His Reference to the Anglo-French Entente Is Appreciated.

Special Cable Dispatch to THE SUN.

PARIS, May 3.—Apart from the gratification caused by Ambassador McCormick's references yesterday, upon the occasion of his presenting his credentials, to the friendship between the United States and France, the unusualness of his allusion to a third Power, namely, Great Britain, draws attention to his remarks.

The Temps, after acknowledging the sincerity of the sentiments expressed by the Ambassador, and reciprocating them, says that his allusion to the Anglo-French entente clearly shows the disposition of the Americans. The Washington Cabinet has long sought to pursue with that of London a policy of friendly accord and good understanding.

It is therefore quite natural that the common action inaugurated by Great Britain and France should be regarded with sympathy by the United States. A triple alliance is susceptible of being developed for the welfare of those participating and also for the good of the world.

The Petit Parisien says that France can congratulate herself on the development of the American navy, which is no menace to her, and which may be a useful counterpoise.

ACCUSED RANCHMEN SET FREE.

Son of C. P. Dewey and Two Cowboys Won't Be Tried for Fence War Killings.

NORTON, Kan., May 3.—The case of Chauncey Dewey, a millionaire ranchman, and Clyde Wilson and A. J. McBride, cowboys employed by Dewey, who were charged with the murder of two members of the Berry family, neighboring ranchmen in northwestern Kansas, in a fence war, was ended in the District Court here to-day when the Judge dismissed the defendants without trial.

The prosecution had failed upon several occasions to begin the trial, although the defendants were ready. The three defendants were acquitted a year ago of the murder of another member of the Berry family. Chauncey Dewey is the son of the late C. P. Dewey, a pioneer Kansan, and at the time of the killing of the Berrys he managed his father's ranch.

Read of Morphine.

William H. Whiting, an Englishman, 27 years old, was found dead late last night in Charles Gallicher's rooming house, at 258 West 127th street. Dr. Severance, who came from the J. Hood Wright Hospital, said that Whiting's death was caused by an overdose of morphine. Some of the drug and a hypodermic syringe were in the room.

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525 Fulton St., Brooklyn.

POINTS OUT IRELAND'S NEED.

Lord Dunraven Says Self-Government Alone Can Remedy Present Conditions.

Special Cable Dispatch to THE SUN.

LONDON, May 4.—The morning papers give prominence to a pamphlet by Lord Dunraven entitled "The Crisis in Ireland," in which he formulates the policy of the Irish Reform Association, of which he is president.

He draws a gloomy picture of the conditions in Ireland, although he admits that Mr. Wyndham's land act has done much to improve them.

He contends that the Irish must be shaken out of their apathy and lifted out of their despair, and that the real motive power to accomplish this can only be found in self-government. He desires that the largest possible freedom of action and self-governing power consistent with the supremacy of the Imperial Parliament be delegated to Ireland.

He condemns what is known as the Castle Government as a very bad sort of bureaucracy and as extravagantly expensive, costing twice as much as it would in any other country. Lord Dunraven contends that from two to three million pounds a year could be saved by establishing a rational system.

DANGER IN USE OF X-RAYS.

Berlin Congress Declares Only Skilled Practitioners Should Give the Treatment.

Special Cable Dispatch to THE SUN.

BERLIN, May 3.—The international congress called to celebrate the tenth anniversary of the discovery of the Roentgen rays closed to-day. The discussions turned largely upon cancer treatment. The final resolution declared that the rays ought not to be employed except by thoroughly qualified practitioners.

Prof. Lassar, an eminent dermatologist, premising that the rays ought not to be applied except in serious cases because of their dangerous properties, strongly urged that they are superior to the knife in removing cancerous growths. A few years ago, he said, the imagination did not dream of the success that could be achieved by the use of the rays in cases of cancerous cancer. He had had only three failures in a hundred cases. Nevertheless the rays were of little use in removing large tumors, their penetrative powers only extending half a centimeter. Wherever there is great suffering he urged the application of the rays because of the relief they give from pain.

KING EDWARD'S WORK IN PARIS.

Trying to Bring About Harmony Between France and Germany.

Special Cable Dispatch to THE SUN.

PARIS, May 3.—King Edward will finish his nominaly incognito visit to this city to-morrow and will return to England. He has been treated throughout by exalted personages, the press and the public as a favored guest, and he has made known the great pleasure his reception has afforded him.

Although his visit is not official, importance is attached to the fact that he had an hour's private interview with Foreign Minister Delcasse to-day, which, following his Majesty's conference with Prince von Radolin, the German Ambassador, on April 30, leads to the inference that his Majesty is aiming to secure harmony between France and Germany on the Moroccan question.

WILD BULLS CHARGE A CROWD.

Troops Called Out in Madrid to Subdue the Animals.

Special Cable Dispatch to THE SUN.

MADRID, May 3.—While three bulls were being taken to the bullring they broke from the cage in which they were confined and charged the surrounding crowd. One gored a man, who was taken to the hospital in a dying condition. Another tossed a woman. The crowd sought refuge in houses and trees. The bulls charged the cab stand and gored three horses to death.

A body of gendarmes with loaded rifles hastened to the scene. One of the bulls charged the crowd, and rearing and rearing killed him. It was amazing that nobody was hit, although there were hundreds of persons on the street. Men from the bullring finally captured the two remaining animals.

TROUBLE GROWS IN CRETE.

Prince George Asks Powers to Send Troops to Preserve Order.

Special Cable Dispatch to THE SUN.

ROME, May 3.—It is reported here that the situation in Crete is exceedingly grave. The insurrection has assumed the character of brigandage, with theft, murder, incendiarism and outrage. The local force is inadequate to cope with the outbreak. Eight gendarmes have been killed so far.

Prince George, the High Commissioner of the Powers, has asked Italy and the other Powers to adopt energetic measures and each send a battalion to check the insurrection, the object of which is only nominally a union of Crete with Greece. The representatives of the Powers have decided to use force to maintain the status quo.

GRAZED HIS WIFE'S CHEEK.

Markman Borderberry Says His Nightgown Tattered With and Appeals to Police.

Gaston Borderberry, the Frenchman who shoots his wife's clothes off at every performance at the Hippodrome, had an accident yesterday while doing his stunt. Instead of cutting a knot on his wife's right shoulder, the bullet from the 22 caliber rifle he used grazed her right cheek.

Borderberry said it was impossible that he could have made an error in shooting, and he declared the fault must be with the rifle. He sent for a gunsmith and had him make an examination of all his firearms. Borderberry says that the sights on several of the rifles had been tampered with.

He at once suspected that some one may have wanted him to wound the woman. The more he thought of this, the more excited he became. He remembered that one of his assistants had disappeared on Saturday night, taking some of his clothing. Borderberry was so sure that this man had tampered with his rifle that last night he asked the police of the East Fifty-first street station to look for him.

Burglar's Body Identified.

The body of the burglar who was killed by his rope breaking while he was trying to enter a flat at 317 East Eighty-ninth street on Saturday was identified at the Morgue last night as that of William Goldner, 17 years old, of 1315 Madison avenue.

Identification was made by his father, Samuel Goldner, of that address. He said his son had gone under the alias of William Kirk.

TO REPLACE TOWER BUILDING.

A report was around yesterday that the Tower Building, at 80 Broadway, had been sold and will be torn down to make way for a new skyscraper. The Tower Building was erected about 1880 and is the first steel skeleton structure built in this city. It is eleven stories high and has a frontage on both Broadway and New street. It is understood that the adjoining property at 45, 46 and 47 Broadway, running through New street, is to be sold to the purchasers of the Tower Building.

N. Stearns, the owner of the latter, declined to discuss the report.

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PHILADELPHIA GAS DEAL FAILS.

Mayor Against U. G. I. Lease—Dolan Accused of Buying Out Rival Bidder in 1907.

PHILADELPHIA, May 3.—Sworn charges that Thomas Dolan, president of the United Gas Improvement Company, had paid out large sums of money to a competing syndicate in order to induce it to withdraw its bid and give the United Gas Improvement Company a clear field at the time the original gas ordinance was passed in 1907 were made public from the stage of the Academy of Music to-night.

It was the crowning sensation of a remarkable mass meeting called to protest against the gas lease now pending in Council. It is now certain that the new lease will not go through, and it is probable that the present lease will be revoked and the gas works put in the open market.

Mayor Weaver to-day broke with the machine leaders and declared himself against the lease.

Robert Dorman, one of the best known manufacturers in the city signed his name to the Dolan affidavit which also contained the charge that he (Dorman) had gone to Mayor Warwick and told him that a big scandal was connected with the ordinance. Warwick refused to take any action and next day signed the ordinance.

The substance of the sworn statement of Mr. Dorman was that he and Thomas D. Stinson were members of a syndicate formed by Jacob E. Ridgway to bid against the United Gas Improvement Company in 1907. The syndicate put in a higher and better bid than Mr. Dolan's company. Then Mr. Dorman charges that Thomas Dolan sent for a member of the syndicate and that the upshot of the conference was that the Ridgway offer was withdrawn entirely.

Mr. Dorman avers that each member of the syndicate received \$10,000 and got the privilege to subscribe to a large block of bonds at much below their real value. Mr. Dorman further sets out that he and Mr. Stinson returned their money and stock, and were the only ones who did so. Coupled with this affidavit is the accusation that it is to be used to induce the council to break the present lease on the ground that it is tainted with fraud.

SUDERMANN AT A BENEFIT.

"Happiness in a Corner" Played at the Irving Place Theater.

Hermann Sudermann's three act drama "Das Glück im Winkel" ("Happiness in a Corner"), famous in Germany, but unknown in this country, was given at the Irving Place Theater last night as a benefit to Otto Otthoff, one of Herr Conrad's leading men.

In "Das Glück im Winkel" Sudermann undertakes to show that the world hates to see people happy, and that it will use every means to destroy that happiness unless the tide of envy is stemmed.

Wiedemann, principal of a school in a small town of Germany, has taken as his wife Elisabeth, a widow with a young and noble birth. She loves her husband and tenderly mothers his blind daughter, Helene, and his two young boys.

Soon, however, Dr. Orth, the visiting school inspector, enviously asks Wiedemann how he succeeded in wedding so noble and beautiful a girl.

But the real trouble begins when the Baron and Baroness von Roeknitz come to visit. It is with them that Elisabeth lived for two years prior to her marriage. Von Roeknitz (Otthoff) is a powerful personality, imperious and selfish.

"I succeeded at everything," he boasts. His wife has deserted and "You must have the wife for him," says the drowsy Baroness to Elisabeth in a chat. Von Roeknitz hits upon the plan of getting Wiedemann and Elisabeth to run his estate for him. Elisabeth hates the idea.

"Why do you hate me?" asks the Baron. "The truth is I have never ceased to love you, and you are not my wife," confesses Elisabeth. "I married to escape you." In a flash they are in each other's arms, and that night at dinner Elisabeth says "Yes" or "no" to a certain question of the Baron's.

Everybody expected that Elisabeth would command a great deal of respect from the Baron, who is himself ready to open the doors for her. Elisabeth chooses the more difficult path of living on as before. In her own right she is a woman of strong character, and she would follow a negative reply, but she decides to live and face the music.

Otthoff and Margarethe Rühmkopf in the leading roles have never played so well as last night. Otthoff's Von Roeknitz ranks with the best impersonations of Christian and Bonn. The actor received many flowers and was loudly applauded.

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